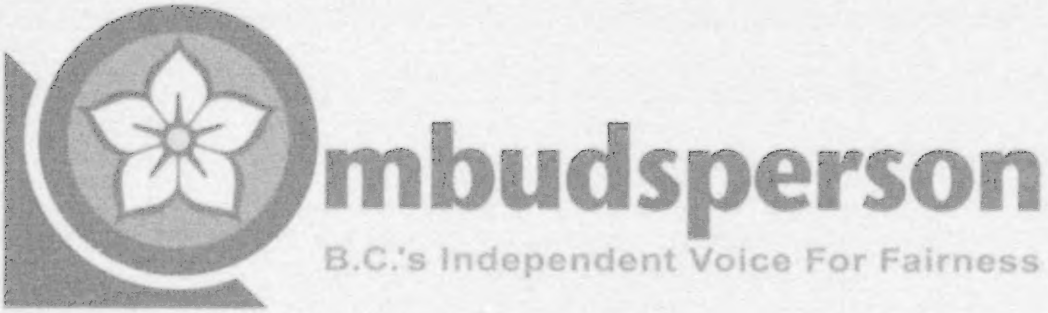
Service Plan
Fiscal Years
2012/13 – 2014/15



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Message from the Ombudsperson

I am pleased to present this service plan for fiscal years 2012/13 – 2014/15. The service plan is based on the current Strategic Plan for the Office of the Ombudsperson which runs until 2014 and sets out four strategic goals for the office: ensuring administrative fairness; providing quality service; being a workplace of excellence; and enhancing understanding of the principles of good governance.

2012/13 is a critical year for the Office of the Ombudsperson as we look to regain the equilibrium that was lost three years ago in 2009/10 and also move forward to implement selected initiatives to improve administrative fairness, reach underserved communities, and reduce the number of complaints received in certain areas.

Over the past five years, the office has seen a steady increase in intakes which are currently 20% higher than in 2006.

Initiatives in 2007 and 2008 including a student program; the establishment of a systemic investigation team; and the introduction of an early resolution process assisted in the effective management of these increases during that timeframe.

In 2009, however, a File Awaiting Assignment List had to be introduced as a temporary measure to deal with investigative files on a triage basis. Files that cannot be assigned directly to an Ombudsperson Officer remain on the list until an active investigation can be commenced. Ending the delays that result from this process is of primary importance in ensuring administrative fairness and providing quality services to both individuals and authorities.

Looking forward to 2012/13, in addition to ending the Files Awaiting Assignment list, the priorities of the office are to conduct timely and useful systemic investigations; engage in preventative, proactive reviews and discussions of legislative and policy initiatives; improve outreach to selected underserved communities; and through team investigations and public reporting reduce the number of complaints received in certain areas.

In 2013/14 and 2014/15 modest additions in the areas of outreach and early resolution are designed to build on the work done to reduce the recurrence of administrative unfairness and provide resources to allow for expansion of the early resolution process.

Kim S. Carter

Mandate

The Office of the Ombudsperson has two primary roles that have been assigned to it by the Legislative Assembly. The first is to investigate complaints of administrative unfairness involving more than 2500 public authorities in British Columbia; to independently and impartially identify if a decision, recommendation, action or procedure complained about resulted in unfair treatment; to seek a fair resolution where this is the case; and to provide a well-reasoned explanation when it concludes that is not the case. The second is to provide general oversight of the administrative actions of public authorities. Both of these roles contribute to the transparency, efficiency and accountability of public agencies and enhance public confidence.

The Office of the Ombudsperson represents the interests of the people of British Columbia in ensuring everyone in British Columbia is treated fairly by public authorities.

Since 1979 the jurisdiction of the Office of the Ombudsperson has included provincial ministries, boards, commissions and Crown corporations. In 1993 this jurisdiction was expanded to local government, health authorities, school boards, and self-regulating professions and organizations.

Administrative matters within the Ombudsperson's jurisdiction include decisions, recommendations, actions and procedures that are contrary to law; unjust; oppressive; improperly discriminatory; done pursuant to a statutory provision or other rule of law or practice that is unjust, oppressive or otherwise discriminatory; based on a mistake of law or fact or an irrelevant ground or consideration; the result of an arbitrary, unreasonable or unfair procedure; done for an improper purpose; result in inadequate or inappropriate reasons; are negligent; unduly delayed; or otherwise wrong.

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practice including adequate and appropriate legal authority; functional organization and management structure; necessary, useful policies and practices; clear and accessible public information; timely access to programs; consistent standards of practice; adequate and appropriate monitoring and enforcement; and timely complaint resolution and program evaluation.

The work of the office is carried out through an integrated process of intake, referral, early resolution, investigation of individual complaints, systemic investigations, consultation, reporting, monitoring of implementation of accepted recommendations, education and outreach.

In 2010/11 the Office had a staff of 33 devoted to core Ombudsperson activities. It received over 7,500 inquiries and complaints. Information, advice, support or referrals were provided in approximately 5,500 cases. 2,000 early resolution files and individual investigations were completed. To date, this year intake numbers are 8% higher than at the same time in 2010.

In addition, 13 Shared Services staff support to the Office of the Information and Privacy Commissioner, the Office of the Police Complaint Commissioner and the Office of the Merit Commissioner.

Goals and Performance for Fiscal 2011/12

The last service plan set out five priorities for 2011/12. I am able to report the progress made to date in this fiscal year.

Timely Delivery of Services

While intake and early resolution provide timely service, the continuation of the Files Awaiting Assignment List has limited our ability to achieve this goal in the area of individual and systemic investigations. As set out in last year's service plan in September 2010, investigative resources were reassigned from the on-going systemic investigation into seniors care to individual investigations in order to off-set the increase in Files Awaiting Assignment. This has resulted in some success in holding the line on the number of Files Awaiting Assignment but has not significantly reduced the backlog.

Good Governance Materials for Authorities

A guide to good administrative processes to be followed when considering closure of meetings by municipalities and other local governments will be published shortly.

Outreach to Underserved Communities

Due to limitations on our ability to promptly investigate complaints, this initiative has been delayed.

Building Partnership/Preventative Ombudship

The work of the office was highlighted at both the Canadian Council of Parliamentary Ombudsman meeting in Victoria in April 2011 and the Forum of Canadian Ombudsman meeting in Vancouver in May 2011. As the result of a very well received presentation on systemic investigations for smaller offices, the Office of the Ombudsperson has been asked to deliver a series of one day workshops on this topic for other Ombudsman offices over the next three years.

The preventative ombudship project was delayed to 2012/13 due to resource constraints.

Develop a Long Term Strategic Model for Service Delivery

Modest progress has been made in this area through projects being worked on by two investigative teams focusing on correctional centers and social benefits.

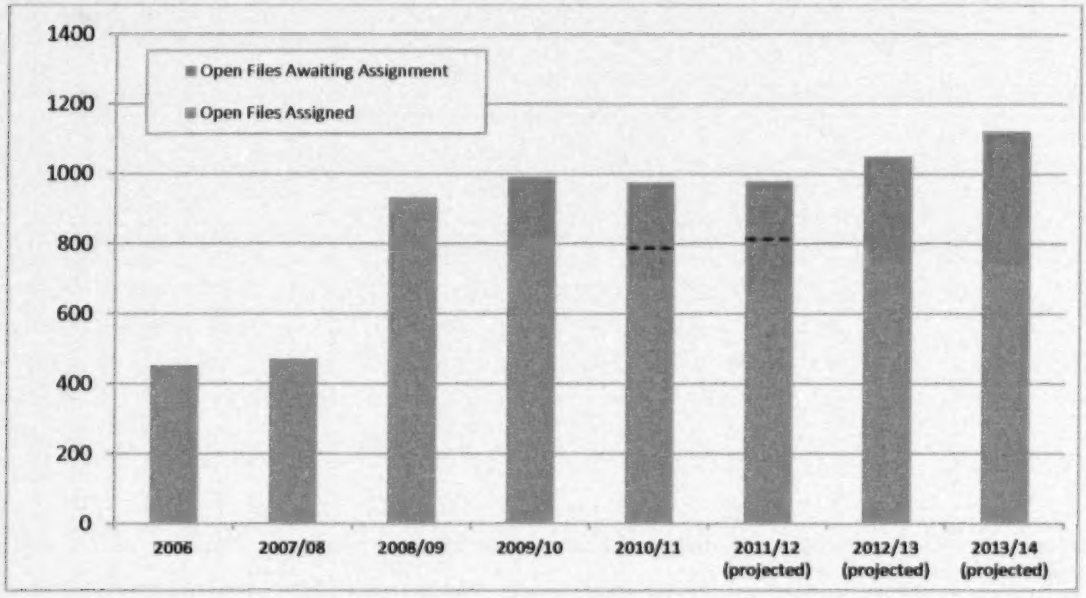
1. Providing Quality Service

The offices principal focus in 2012/13 is on ending the Files Awaiting Assignment process and re-establishing the capacity to assign all files where an issue of administrative fairness has been identified in a timely manner for investigations.

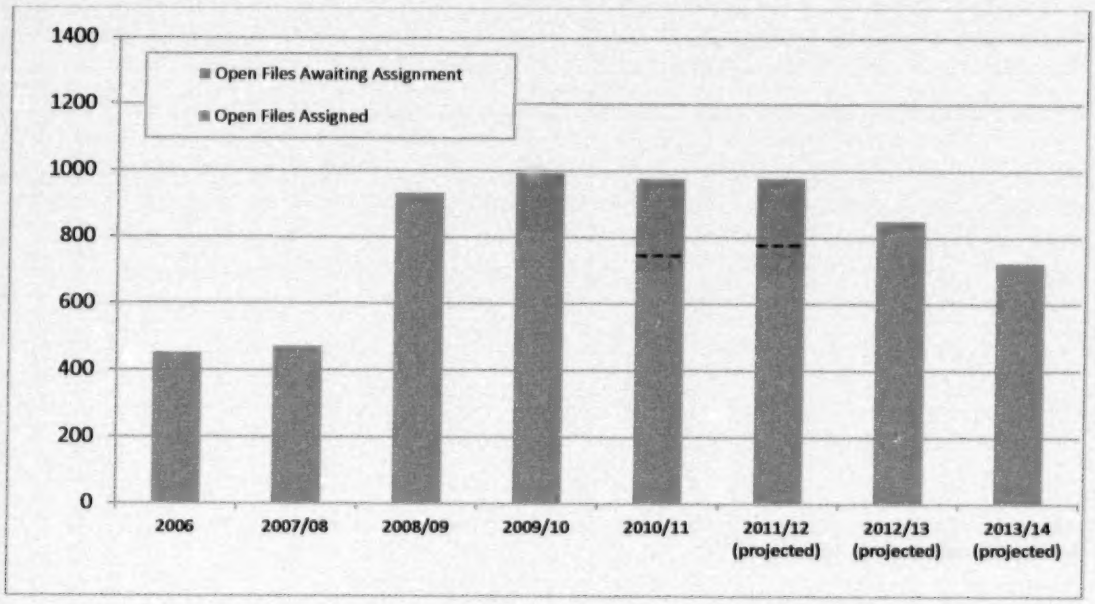
The four charts below set out the history of open files and the Files Awaiting Assignment list and provide a projection of what will occur in the next two years with the addition of two investigative positions and without such augmentation in two scenarios – a 0% increase in intake and a 2% increase in intake.

Open Files at the End of Each Year

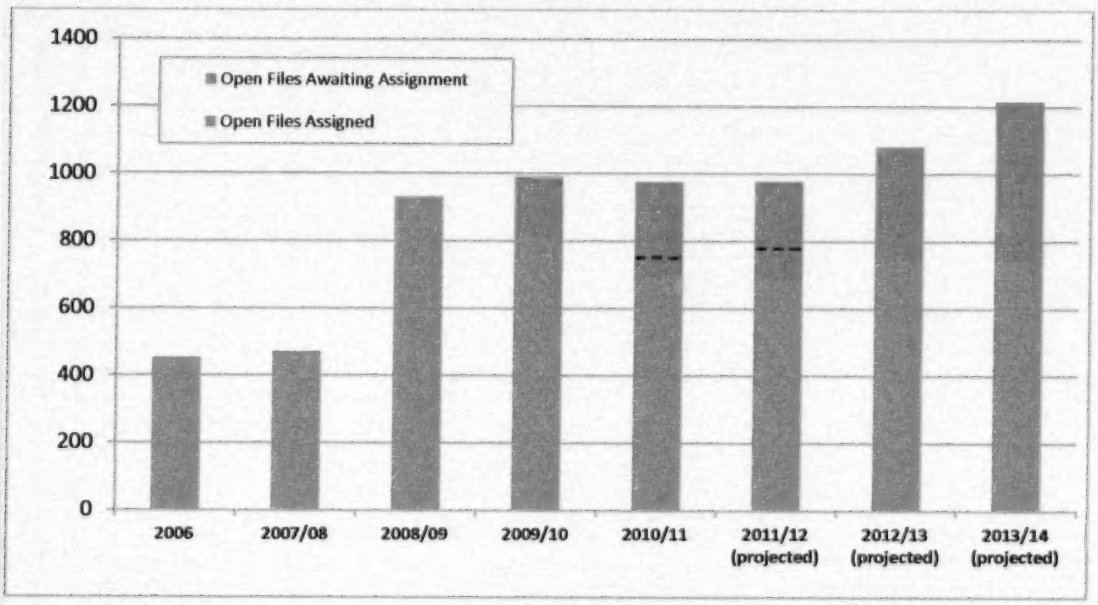
1. Projected no increase in intake with no additional investigators



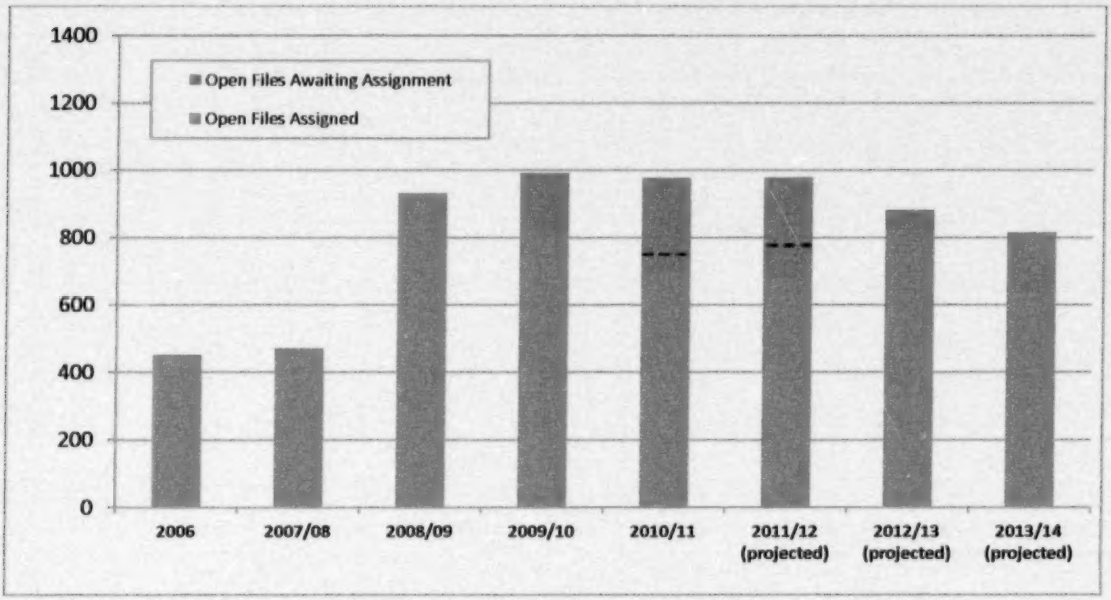
2. Projected no increase in intake with 2 additional investigators



3. Projected 2% increase in intake with no additional investigators



4. Projected 2% increase in intake with 2 additional investigators



2. Ensuring Administrative Fairness

The work done by the Systemic Investigations Team since its inception in areas ranging from the security of lottery prize payouts to drinking water safety has improved administrative practices of public authorities in British Columbia on an on-going basis. The current systemic investigation into seniors' care has already led to the adoption of a Bill of Rights for seniors in residential care facilities and improvements in access to information about seniors' care for seniors and their families. Augmenting this team will result in more, and more timely, reports that will assist not only individual authorities to improve their own systems but also other authorities who can benefit from the experience.

Another area where administrative fairness can be improved in a preventative manner is by engaging in proactive legislative, policy and program review on a regular and recurring basis administrative fairness can be enhanced leading to reductions of complaints. This has traditionally been a role of the office. It was done until 2004 when resource constraints ended the positions of Deputy Ombudsperson and General Counsel. Since 2006 it has been done, but only on an ad-hoc basis. Preventative action that identifies administrative fairness issues during legislative program and policy development can avoid problems and reduce resultant unfairness and complaints.

3. Outreach to Underserved Communities

This office conducted a survey in 2008 to assess knowledge of the role of the office among different communities in British Columbia. The results showed a significantly (20%) lower level of knowledge of the role and services of the office among British Columbians whose first language was not English. A follow-on survey in 2012 will measure progress in this area and also focus on gathering information to make the office more accessible to this underserved community.

In addition as we complete our systemic investigation into seniors' care we are analyzing what we have learned about the needs and concerns of seniors. Through direct engagement with seniors' groups and through identifying cases of interest to them in a special area of our website and Annual Report we have begun to highlight the support and services we provide. We will build on this momentum after the release of our systemic report into seniors' care in areas such as health, housing, and transportation.

4. Supporting a Workplace of Excellence

Our priorities in this area are open and competitive hiring practices and investing in new technology to increase the effectiveness of staff.

2013/14

Once the File Awaiting Assignment list has been terminated our focus will move to building up preventative ombudship materials and public reporting which will require additional assistance with outreach and communications in 2013/14.

2014/15

After a five year review of the Early Resolution process in 2013 it is reasonable to look at expansion to offset anticipated increase in intake numbers.